

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JACK DAVID WAGNER,

Plaintiff,

V.

RIVERSIDE TOWNSHIP, RIVERSIDE
TOWNSHIP POLICE DEPARTMENT,
and PATRICK VACANTI,

Defendants.

Civil Action No.04-839

ORDER

This matter having come before the Court upon the motions for summary judgment of Defendant Riverside Township and of Defendant Patrick Vacanti, and upon the cross-motions of Plaintiff Jack David Wagner, which seek to strike certain exhibits attached to the motions for summary judgment of both Defendants; and the Court having considered the submissions of the parties; and the Court having entertained oral argument on November 1, 2007; and for the reasons set forth on the record on that date, as well as for the reasons expressed in the Opinion of even date;

IT IS on this 26th day of November 2007, hereby

ORDERED that Plaintiff's cross motions for summary judgment are granted in part and denied in part; all of the exhibits attached to the Defendants' summary judgment are stricken with the exception of Officer Vacanti's training logs; and it is further

ORDERED that Defendant Riverside Township's summary judgment motion is denied;

and it is further

ORDERED that Defendants Riverside Township Police Department and John Does (1-5) are dismissed from this action; and it is further

ORDERED that Defendant Patrick Vacanti's summary judgment motion is denied; and it is further

ORDERED that Plaintiff's claim for punitive damages is dismissed without prejudice with the right to refile consistent with the Opinion.

/s/ Joseph H. Rodriguez
Joseph H. Rodriguez,
UNITED STATES DISTRICT JUDGE